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Attorneys for Plaintiff and Putative Class

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

ROSCOE EVANS, an individual on behalf of
himself and all others similarly situated,

Plaintiff,

v.

BRIGHAM YOUNG UNIVERSITY, a Utah
corporation,

Defendant.

**STIPULATED MOTION TO STAY
PENDING PLAINTIFF'S REQUEST TO
APPEAL PURSUANT TO RULE 23(F)**

Case No. 1:20-cv-00100-TS-CMR

Judge Ted Stewart

Magistrate Judge Cecilia M. Romero

Plaintiff Roscoe Evans ("Plaintiff") will file a petition on March 14, 2022 with the U.S. Court of Appeals for the Tenth Circuit ("Tenth Circuit") requesting permission to appeal this

Court's Memorandum Decision and Order Denying Plaintiff's Motion For Class Certification (Dkt. No. 123) pursuant to Rule 23(f) of the Federal Rules of Civil Procedure. Plaintiff respectfully moves for and Defendant Brigham Young University ("BYU") stipulates to, by and through their counsel of record, this Court to issue an order staying the above-captioned action until a final decision is entered by the Tenth Circuit concerning Plaintiff's request for appeal and appeal if granted. Within 14 days after entry of a final decision by the Tenth Circuit, the parties shall meet and confer and provide the Court a status update on the case. Should Plaintiff not file a request to appeal with the Tenth Circuit within the time specified by Rule 23(f), the parties will meet and confer and provide the Court a status update on the case within 14 days after the deadline for Plaintiff to file a request for appeal.

A proposed order is submitted herewith.

DATED this 14th day of March, 2022.

/s/ Michael J. Watton

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Counsel for Plaintiff and the Putative Class

DATED this 14th day of March, 2022 and stipulated by:

/s/ Samuel C. Straight
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CERTIFICATE OF SERVICE

I hereby certify that on this this 14th day of March, 2022, the foregoing **STIPULATED MOTION TO STAY PENDING PLAINTIFF'S REQUEST TO APPEAL PURSUANT TO RULE 23(F)** was electronically filed with the Clerk of Court using the Federal Court/ECF which sent notification of such to all counsel of record.

/s/ Kaitlyn R. Lenagh